

**From:** David Chancogne  
**To:** Microsoft ATR  
**Date:** 1/14/02 12:19pm  
**Subject:** Microsoft Settlement.

To whom it may concern,

I share the view of the Senate Judiciary Committee's bipartisan leadership that while I would have welcomed a settlement that addressed the numerous Sherman Act violations that were found by the District Court and upheld unanimously by the D.C. Circuit Court, the DOJ settlement falls far short of that goal. I'm concerned that the settlement will do little to change Microsoft's behavior or restore competition.

This is bolstered by the decision of the nine state plaintiffs to press on with their case to pursue a far more effective resolution.

In particular, the proposed final judgment:

- \* Fails to reduce the application barrier to entry that Microsoft was found to have illegally protected;
- \* Fails to remedy the injury done to the Java™ technology community;
- \* Fails to remedy the illegal injury that Microsoft was found to have done to Netscape Navigator and the browser market;
- \* Fails to curtail Microsoft's illegal bundling of middleware programs including browsers, media players, and instant messaging software into the monopoly Windows operating system;
- \* Is ambiguous and subject to manipulation by Microsoft because it lacks an effective enforcement mechanism.

Sincerely,

David Chancogne